



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-1929/P2

ALL:all:all

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Do Not Gen  
AN ACT ...; relating to:

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*Analysis by the Legislative Reference Bureau*

**INTRODUCTION**

This bill is the "executive budget bill" under section 16.47 (1) of the statutes. It contains the governor's recommendations for appropriations for the 2005-07 fiscal biennium.

The bill repeals and recreates the appropriation schedule in chapter 20 of the statutes, thereby setting the appropriation levels for the 2005-07 fiscal biennium. The descriptions that follow relate to the most significant changes in the law that are proposed in the bill. In most cases, changes in the amounts of existing spending authority and changes in the amounts of bonding authority under existing bonding programs are not discussed.

For additional information concerning this bill, see the Department of Administration's publication *Budget in Brief* and the executive budget books, the

Legislative Fiscal Bureau's summary document, and the Legislative Reference Bureau's drafting files, which contain separate drafts on each policy item. In most cases, the policy item drafts contain a more detailed analysis than is printed with this bill.

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### **GUIDE TO THE BILL**

As is the case for all other bills, the sections of the budget bill that affect statutes are organized in ascending numerical order of the statutes affected.

Treatments of prior session laws (styled "laws of [year], chapter ...." from 1848 to 1981, and "[year] Wisconsin Act ...." beginning with 1983) are displayed next by year of original enactment and by act number.

The remaining sections of the budget bill are organized by type of provision and, within each type, alphabetically by state agency. The first two digits of the four-digit section number indicate the type of provision:

**91XX Nonstatutory provisions.**

**92XX Appropriation changes.**

**93XX Initial applicability.**

**94XX Effective dates.**

The remaining two digits indicate the state agency to which the provision relates:

- XX01 Administration.**
- XX02 Aging and long-term care board.**
- XX03 Agriculture, trade and consumer protection.**
- XX04 Arts board.**
- XX05 Building commission.**
- XX06 Child abuse and neglect prevention board.**
- XX07 Circuit courts.**
- XX08 Commerce.**
- XX09 Corrections.**
- XX10 Court of appeals.**
- XX11 District attorneys.**
- XX12 Educational communications board.**
- XX13 Elections board.**
- XX14 Employee trust funds.**
- XX15 Employment relations commission.**
- XX16 Ethics board.**
- XX17 Financial institutions.**
- XX18 Fox River Navigational System Authority.**
- XX19 Governor.**
- XX20 Health and Educational Facilities Authority.**
- XX21 Health and family services.**
- XX22 Higher educational aids board.**
- XX23 Historical society.**

- XX24 Housing and Economic Development Authority.**
- XX25 Insurance.**
- XX26 Investment board.**
- XX27 Joint committee on finance.**
- XX28 Judicial commission.**
- XX29 Justice.**
- XX30 Legislature.**
- XX31 Lieutenant governor.**
- XX32 Lower Wisconsin state riverway board.**
- XX33 Medical College of Wisconsin.**
- XX34 Military affairs.**
- XX35 Natural resources.**
- XX36 Public defender board.**
- XX37 Public instruction.**
- XX38 Public lands, board of commissioners of.**
- XX39 Public service commission.**
- XX40 Regulation and licensing.**
- XX41 Revenue.**
- XX42 Secretary of state.**
- XX43 State employment relations, office of.**
- XX44 State fair park board.**
- XX45 Supreme Court.**
- XX46 Technical college system.**

**XX47 Tourism.**

**XX48 Transportation.**

**XX49 Treasurer.**

**XX50 University of Wisconsin Hospitals and Clinics Authority.**

**XX51 University of Wisconsin Hospitals and Clinics Board.**

**XX52 University of Wisconsin System.**

**XX53 Veterans affairs.**

**XX54 Workforce development.**

**XX55 Other.**

For example, for general nonstatutory provisions relating to the historical society, see SECTION 9123. For any agency that is not assigned a two-digit identification number and that is attached to another agency, see the number of the latter agency. For any other agency not assigned a two-digit identification number or any provision that does not relate to the functions of a particular agency, see number “55” (**other**) within each type of provision.

~~In order~~<sup>to</sup> to facilitate amendment drafting and the enrolling process, separate section numbers and headings appear for each type of provision and for each state agency, even if there are no provisions included in that section number and heading. Section numbers and headings for which there are no provisions will be deleted in enrolling and will not appear in the published act.

Following is a list of the most commonly used abbreviations appearing in the analysis.

DATCP . . . Department of Agriculture, Trade and Consumer Protection

DETF . . . . . Department of Employee Trust Funds

DFI . . . . . Department of Financial Institutions

DHFS . . . . . Department of Health and Family Services

DMA . . . . . Department of Military Affairs

DNR . . . . . Department of Natural Resources

DOA . . . . . Department of Administration

DOC . . . . . Department of Corrections

DOJ . . . . . Department of Justice

DOR . . . . . Department of Revenue

DOT . . . . . Department of Transportation

DPI . . . . . Department of Public Instruction

DRL . . . . . Department of Regulation and Licensing

DVA . . . . . Department of Veterans Affairs

DWD . . . . . Department of Workforce Development

JCF . . . . . Joint Committee on Finance

OCI . . . . . Office of the Commissioner of Insurance

PSC . . . . . Public Service Commission

UW . . . . . University of Wisconsin

WHEDA . . Wisconsin Housing and Economic Development Authority

WHEFA . . . Wisconsin Health and Educational Facilities Authority

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**\*\*\* ANALYSIS FROM -0496/1 \*\*\*****AGRICULTURE**

Under current law, DATCP administers the Soil and Water Resource Management Program, which <sup>awards</sup> ~~provides~~ grants <sup>to counties</sup> for land and water resource management projects and for the construction of animal waste management systems. This bill increases the general obligation bonding authority for the Soil and Water Resource Management Program by \$7,000,000.

**\*\*\* ANALYSIS FROM -1247/1 \*\*\***

This bill authorizes DATCP to ~~make~~ <sup>award</sup> grants to increase the use of agricultural products and wastes as energy sources, to reduce the generation or increase the beneficial use of agricultural wastes, and to encourage the development of biochemicals from agricultural products. A grant may not exceed \$300,000.

**\*\*\* ANALYSIS FROM -0495/1 \*\*\***

This bill authorizes DATCP to make loans for the development of rural business enterprises or for rural economic development using federal funds.

**\*\*\* ANALYSIS FROM -0494/2 \*\*\***

Under current law, DATCP generally ~~pays partial reimbursement~~ <sup>partially reimburses</sup> for the value <sup>of</sup> ~~their~~ <sup>of</sup> livestock, including farm-raised deer, that DATCP orders to be destroyed because of exposure to or infection with disease. Under this bill, if DATCP orders an animal to be destroyed because it is suspected to have a transmissible spongiform encephalopathy, such as chronic wasting disease, and the owner disposes of the animal as directed by DATCP, DATCP also reimburses the owner for the costs of destroying and disposing of the animal.

**\*\*\* ANALYSIS FROM -1750/2 \*\*\***

*delete 3*  
This bill transfers \$130,100 in fiscal year 2005-06 and \$130,100 in fiscal year 2006-07 from the agrichemical management fund to the general fund.

\*\*\* ANALYSIS FROM -0774/P4 \*\*\*

## COMMERCE AND ECONOMIC DEVELOPMENT

### ECONOMIC DEVELOPMENT

This bill changes the way the Department of Commerce (department) awards grants and loans from the Wisconsin development fund (WDF). Generally, the (department) is <sup>generally</sup> authorized under current law to make grants and loans from the (WDF) to businesses and local governments for promoting economic development and creating and retaining jobs.

Current law authorizes the <sup>Department of Commerce</sup> (department) to award, from the <sup>Wisconsin development fund</sup> WDF: 1) a grant to a person for capitalizing a revolving loan fund <sup>whose purpose is</sup> to promote local or regional economic development; 2) a "rapid response" loan to a person <sup>for the</sup> to purchase <sup>of</sup> equipment or <sup>the</sup> purchase, <sup>renovate</sup> renovation, or construction of a building; 3) a grant to a business group to investigate reorganizing or reincorporating an existing business as an employee-owned business; 4) a grant to a small business (defined as a business operating for profit with 250 or fewer employees) for preparing a proposal for a federal program; 5) a grant to fund the preliminary stages of the expansion or start-up of a business <sup>that is or will be</sup> located in an urban area <sup>in this state</sup>; and 6) grants to the Wisconsin Procurement Institute <sup>to further its efforts</sup> to secure federal government contracts and create jobs. Under current law, specific conditions and limitations apply to the department's authority to make a grant or loan for each of the purposes described above.



Current law also authorizes the department, at the request of the Development Finance Board (board), to award, from the WDF: 1) a grant or loan to a business or consortium for technical research related to technology development; 2) a grant or loan to a business for customized labor training; 3) a grant or loan to a major economic development project (defined as a project that is necessary to retain or create a significant number of jobs, that will lead to significant capital investment in the state, or that will make a significant contribution to the state's economy), if the project is not eligible for technology development or customized labor training grants or loans; and 4) a grant or loan to a business, public entity, or nonprofit organization for researching, developing, and marketing products and processes related to certain types of pollution or waste.

Under current law, specific conditions and limitations apply to the department's authority to make a grant or loan under the technology development, customized labor training, major economic development, and technology and pollution control and abatement programs. These four programs are also subject to a set of conditions and limitations that permit the board <sup>may</sup> to award a grant or loan only if it has made certain determinations and considered certain factors. The board must determine that the project serves a public purpose, that the project <sup>and</sup> is not likely to occur without a WDF grant or loan, and that the recipient will contribute at least 25 percent of the cost of the project. The board must consider, among other factors, the extent to which the project will retain or increase employment in this state, the extent to which the project will contribute to the economic growth of this state, the financial soundness of the business, and whether the project will be located in a

<sup>which is identified by</sup>  
targeted area. Currently, the board identifies targeted areas based on a number of considerations including employment rate and median household income.

This bill eliminates the technology development, customized labor training, major economic development, and technology and pollution control and abatement programs, as well as the programs for revolving loan fund capitalization, rapid response loans, employee ownership assistance, urban area early planning, and the

Wisconsin Procurement Institute. The bill authorizes the department, at the request of the board, to <sup>award</sup> ~~make~~ <sup>make a</sup> a grant or loan of WDF funds to an eligible ~~recipient for eligible~~

~~activities~~ <sup>g</sup> "Eligible recipient" means <sup>g</sup> a governing body or person <sup>g</sup> ~~who is eligible to~~

~~receive a grant or loan.~~ <sup>g</sup> "Eligible activities" means <sup>for</sup> any of the following: capital

financing; worker training; entrepreneurial development; assisting

technology-based businesses or businesses at a foreign trade show or event;

promoting urban or regional economic development; establishing revolving loan

funds; providing working capital; and promoting employee ownership. <sup>among other factors</sup>

Under the bill, the board is <sup>must</sup> ~~required~~ to consider <sup>must</sup> a number of factors in deciding

whether to award a WDF grant or loan, <sup>including</sup> whether the project serves a public

purpose and whether the project might not occur without a <sup>the</sup> WDF grant or loan. The

board is not required to make any factual determinations. The bill eliminates certain

factors from the board's consideration of whether a project will be located in a

targeted area. The bill also eliminates priority requirements that currently apply

to the technology development, customized labor training, and major economic

development programs; the board is no longer required to: 1) give priority to grants

or loans to recipients who use techniques that reduce or eliminate the use of

ozone-depleting substances; 2) give more favorable terms on grants and loans awarded to projects that will be located in targeted areas; 3) give priority to grants or loans to recipients who will give hiring priority to recipients of aid to families with dependent children; or 4) give priority to grants and loans for projects related to brownfields redevelopment.

hw ff The bill requires the department to establish procedures and conditions for WDF grants and loans, including a matching requirement of at least 25 percent. The bill also changes the definition of "small business," for purposes of WDF grants for preparing the federal program proposals, to mean a business with fewer than 100 employees.

\*\*\* ANALYSIS FROM -1272/P1 \*\*\*

~~COMMERCE AND ECONOMIC DEVELOPMENT~~

This bill requires the Department of Commerce (department) to designate certain areas ~~of the state~~ as extremely depressed areas and authorizes the department to award a grant <sup>for up to five years</sup> to a business that locates in an area designated as an extremely depressed area, if the business will create at least 100 qualifying jobs in the area. ~~A business may use grant proceeds to pay eligible costs.~~ Under the bill, the department may award a grant only if the business agrees to pay at least 90 percent of the new employees a family-supporting wage and to make every reasonable effort to fill at least 75 percent of the new jobs with individuals who reside in the extremely depressed area. ~~The department may make grant payments to an eligible business for up to five years.~~

~~The bill requires the department to promulgate rules defining "extremely depressed area,"~~ which must be an area with an unemployment rate equal to or

exceeding 150 percent of the statewide average unemployment rate. ~~The bill requires the department also to define by rule "eligible costs," "family-supporting wage," and "qualifying jobs."~~

\*\*\* ANALYSIS FROM -1614/P3 \*\*\*

This bill authorizes the Department of Commerce ~~department~~ to <sup>award</sup> ~~make~~ a grant to an employer to provide a job training program for the employer's employees. ~~The department may award a grant to an employer that~~ <sup>if the</sup> will create a significant number of ~~new~~ high-paying jobs ~~in this state~~ or will introduce new capital investment that ~~will~~ retain a significant number of jobs ~~in this state~~. The department may also award a grant to an employer for training employees who do not earn a family-supporting wage, <sup>if</sup> the employer agrees to pay a family-supporting wage to employees who ~~successfully~~ complete the training program and there is significant potential for additional wage increases.

<sup>WPA</sup> Under the bill, employers must develop training programs ~~jointly~~ with a technical college or other training provider, and grant proceeds may be paid directly to the technical college or other training provider. The department must give preference <sup>in awarding grants</sup> to employers who develop training programs with a technical college. ~~The bill requires the department to define the terms "capital investment," "family-supporting wage," "high-paying job," and "significant numbers."~~

<sup>appropriate</sup> \*\*\* ANALYSIS FROM -1227/1 \*\*\*

This bill ~~creates an appropriation~~ from the transportation fund to pay for tourism marketing <sup>to the department of tourism</sup> an amount equal to 40 percent of the ~~amount collected in~~ fees imposed on certain rental vehicles.

\*\*\* ANALYSIS FROM -0718/P3 \*\*\*

<sup>Currently ↑</sup>  
~~Under~~ the Enterprise Development Zone Program, the ~~Department of~~  
~~Commerce~~ department <sup>may</sup> ~~is authorized to~~ allocate tax credits to eligible businesses  
 that conduct certain economic activities in areas designated as enterprise  
 development zones. ~~Under current law,~~ the department may not designate more  
 than 79 enterprise development zones unless it obtains the approval of ~~the Joint~~  
~~Committee on Finance~~ <sup>ICF</sup>

<sup>now</sup> This bill eliminates the cap on the number of enterprise development zones the  
 department may designate without <sup>ICF</sup> ~~the approval of the Joint Committee on Finance~~  
~~The bill~~ <sup>and</sup> limits the total amount of tax benefits the department may allocate under  
 the program to \$243,000,000.

<sup>Currently ↑</sup> \*\*\* ANALYSIS FROM -0470/P2 \*\*\*  
~~The Department of Commerce~~ department may award a gaming economic  
 development grant to improve the profitability of a business that has been negatively  
~~impacted~~ <sup>affected</sup> by a casino, a gaming economic diversification grant to diversify the  
 economy of a community or to remediate brownfields, and a ~~Business Employees'~~  
~~Skills Training~~ grant for training ~~and educating~~ a business's current or prospective  
 employees. Under current law, the department may award these grants directly to  
 qualified businesses. This bill authorizes the department to contract with and pay  
<sup>the</sup> grant proceeds directly to persons who provide ~~grantees~~ <sup>the qualified businesses</sup> the assistance for which  
 these grants are made.

<sup>prohibits</sup> \*\*\* ANALYSIS FROM -1212/1 \*\*\* <sup>from spending</sup>  
 This bill ~~makes~~ Forward Wisconsin, Inc., ~~ineligible to spend~~ \$1,000,000 of  
 appropriated money in the 2006-07 fiscal year unless DOA certifies that ~~it~~ has raised  
 \$2,000,000 in private donations.

*Forward Wisconsin Inc.*

**\*\*\* ANALYSIS FROM -1594/P2 \*\*\*****COMMERCE /**

Under current law, the ~~Department of Commerce~~ awards grants to technology-based nonprofit organizations to ~~provide~~ support <sup>grant</sup> for a manufacturing extension center. This bill transfers administration of this program to the Technical College System Board and prohibits the board from awarding a grant to a <sup>technical college</sup> district ~~in~~ ~~the technical college system~~ or to a corporation or foundation created for the benefit of a district.

**\*\*\* ANALYSIS FROM -1827/3 \*\*\***

Under current law, alcohol beverages are generally distributed to consumers under a three-tier distribution system (manufacturer, wholesaler, and retailer). DOR issues intoxicating liquor wholesalers' permits authorizing the sale of intoxicating liquor (wine and distilled spirits) at wholesale from the premises described in the permit to intoxicating liquor retailers and to other wholesalers. With limited exceptions, a manufacturer may not hold any direct or indirect interest in a wholesaler and a manufacturer or wholesaler may not hold any direct or indirect interest in a retailer.

Under this bill, any intoxicating liquor sold by a wholesaler must be physically unloaded at the wholesaler's premises prior to being delivered to a retailer or to another wholesaler, and the wholesaler's premises must be capable of warehousing intoxicating liquor. Also, a wholesaler must annually sell and deliver intoxicating liquor to at least ten retailers that do not have any direct or indirect interest in each other or in the wholesaler. If a wholesaler violates these requirements, in addition to the current penalty of a fine or imprisonment or both, a court may order ~~that~~ the

wholesaler <sup>forfeiture</sup> ~~forfeit~~ profits gained from the violation and <sup>that</sup> the wholesaler's permit be <sup>revoked</sup> ~~revoked~~. A retailer that receives a benefit from a wholesaler violation, with knowledge of the circumstances giving rise to the violation, is subject to similar penalties. The bill also requires DOR to promulgate rules related to enforcement of these requirements.

Under current law, DOR may suspend or revoke any alcohol beverages permit issued by DOR <sup>if the permit holder violates</sup> ~~for violating~~ any legal requirement. This bill <sup>allows DOR</sup> ~~creates a new~~ similar mechanism that applies specifically to <sup>suspend</sup> ~~suspension~~ or <sup>revoke</sup> ~~revocation~~ of wholesalers' permits based upon written allegations, including allegations of third parties, without a hearing.

Under current law, upon request by the secretary of revenue, the attorney general may represent this state or assist a district attorney in prosecuting any alcohol beverages violation, but DOR <sup>may not</sup> ~~is not authorized~~ to prosecute such violations. This bill authorizes DOR to represent the state in prosecuting violations of the wholesaler requirements created by the bill. The bill also ~~creates a private cause of~~ <sup>allows</sup> action on behalf of wholesalers, retailers, and trade associations <sup>allowing them</sup> ~~allowing them~~ to prosecute violations of the wholesaler requirements created by the bill if a complaint <sup>a</sup> ~~is made to DOR and~~ DOR fails to <sup>render</sup> ~~timely render~~ a decision on the complaint <sup>made to DOR</sup> ~~the complaint~~.

\*\*\* ~~ANALYSIS FROM -1560/3~~ \*\*\*

~~See also Transportation - Other transportation.~~

\*\*\* ANALYSIS FROM -0738/2 \*\*\*

~~COMMERCE AND ECONOMIC DEVELOPMENT~~~~ECONOMIC DEVELOPMENT~~ <sup>subheading</sup> ~~LEASING~~ <sup>to pay</sup>

Currently DOA may not allocate more than \$3.2 million of federal funds <sup>for the</sup> ~~payment of~~ assistance to meet weather-related or fuel supply shortage emergencies.

This bill eliminates this ~~\$3.2 million~~ restriction.

## \*\*\* ANALYSIS FROM -1225/1 \*\*\*

Under current law, WHEDA maintains a surplus fund, which generally consists of assets that are not required to pay the cost of issuing bonds or notes, to make loans, or to honor agreements with bondholders and noteholders.

<sup>WIT</sup> This bill requires WHEDA to <sup>pay</sup> ~~make two payments of~~ \$2,500,000 <sup>in each fiscal year</sup> to the state <sup>of the 2005-07</sup> from ~~WHEDA's~~ <sup>this</sup> surplus fund. ~~The bill requires one payment in fiscal year 2005-06~~ <sup>and another payment in fiscal year 2006-07.</sup>

## \*\*\* ANALYSIS FROM -1255/2 \*\*\*

~~COMMERCE AND ECONOMIC DEVELOPMENT~~~~BUSINESS ORGANIZATIONS AND FINANCIAL INSTITUTIONS~~ <sup>subheading → OTHER COMMERCE AND ECONOMIC DEVELOPMENT</sup>

This bill increases <sup>the</sup> fees <sup>that</sup> DFI charges ~~to~~ a foreign corporation when the corporation files its annual report or applies for a certificate of withdrawal (which withdraws authority for the corporation to transact business in this state). Under current law, a foreign corporation doing business in this state must, when filing its annual report, pay a fee of \$2 for every \$1,000 of capital employed in this state for which the corporation has not already paid a fee (excess capital). Also under current law, a foreign corporation doing business in this state must, when applying for a certificate of withdrawal, pay a \$2 fee for every \$1,000 of excess capital. This bill increases both fees to \$3 for every \$1,000 of excess capital.

## \*\*\* ANALYSIS FROM -0502/1 \*\*\*



**~~COMMERCE AND ECONOMIC DEVELOPMENT~~****~~BUILDINGS AND SAFETY~~**

This bill <sup>doubles</sup> ~~increases~~ the maximum ~~amount~~ <sup>fee</sup> that the Department of Commerce ~~may charge~~ <sup>may charge</sup> ~~can establish by rule~~ for licenses and registrations ~~that the department~~ <sup>issued</sup> to plumbers, utility contractors, pipelayers, and contractors installing or maintaining automatic fire sprinklers. ~~Current law defines a "utility contractor" to be one who is skilled in installing piping that transports, rainwater, sewage, or other liquid wastes.~~

This bill ~~doubles the maximum amounts for each of these licenses and registrations.~~ <sup>(w/ \$)</sup> The bill also doubles the maximum term for these licenses and registrations, as well as the term for plumbing supervisors that the department employs.

**\*\*\* ANALYSIS FROM -1660/3 \*\*\*****CORRECTIONAL SYSTEM****ADULT CORRECTIONAL SYSTEM**

Under current law, DOC and DHFS operate the Drug Abuse Correctional Center Program in Winnebago, which provides substance abuse treatment for prison inmates transferred there. If DOC determines that an inmate has successfully completed the program, the inmate is released early to parole or extended supervision. Inmates convicted of certain violent crimes or certain offenses against children are not eligible for early release under this program. Inmates who are sentenced under the "Truth in Sentencing" law are eligible only if the court authorizes their participation. This bill authorizes DOC to establish similar treatment and release programs at any state prison.

**\*\*\* ANALYSIS FROM -0252/2 \*\*\***

~~CORRECTIONAL SYSTEM~~~~ADULT CORRECTIONAL SYSTEM~~

Under current law, DOC may lease space within adult or juvenile correctional institutions to one or two private businesses to employ inmates or residents to manufacture products ~~or components~~ or provide services for sale on the open market. ~~Current law also requires that~~ the earnings of an inmate or resident employed under this program <sup>must</sup> be used for compensating victims of crimes, supporting the person's dependents, and paying for ~~the person's~~ room and board, among other things. This bill eliminates DOC's authority to operate the private business prison employment program.

## \*\*\* ANALYSIS FROM -0251/1 \*\*\*

~~CORRECTIONAL SYSTEM~~~~ADULT CORRECTIONAL SYSTEM~~

Current law provides that, with certain exceptions, DOC must charge ~~a fee to~~ each person on probation, parole, or extended supervision <sup>a fee</sup> to cover some of the costs of supervising the person. This bill authorizes DOC to charge ~~an annual fee of up to~~ \$50 <sup>who is</sup> a person <sup>who is</sup> required to register as a sex offender and ~~who is~~ <sup>an annual fee of up to \$50</sup> on probation, parole, or extended supervision or otherwise in DOC's custody. DOC may use the proceeds of the fee to cover some of its costs of supervising persons on probation, parole, or extended supervision.

## \*\*\* ANALYSIS FROM -0247/3 \*\*\*

~~CORRECTIONAL SYSTEM~~

## JUVENILE CORRECTIONAL SYSTEM

Under current law relating to community youth and family aids, generally referred to as "youth aids," DOC <sup>must</sup> ~~is required to~~ allocate various state and federal moneys to counties to pay for state-provided juvenile correctional services and local

delinquency-related and juvenile justice services. DOC charges counties for the costs of services provided by DOC according to per person daily cost assessments specified <sup>by law</sup> in the statutes. This bill increases <sup>the</sup> ~~those~~ <sup>s</sup> assessment <sup>A</sup> for care in a juvenile correctional facility, treatment facility, foster home, or group home, for corrective sanctions services, and for aftercare services and decreases <sup>the</sup> ~~those~~ <sup>A</sup> assessments for care in a residential care center for children and youth or treatment foster home.

\*\*\* ANALYSIS FROM -1862/1 \*\*\*

\*\*\* ANALYSIS FROM -1624/2 \*\*\*

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T.  
1/1/01  
Current law <sup>✓</sup> requires DOC, under the Community Intervention Program, to distribute \$3,750,000 in each year to counties for early intervention services for juvenile first offenders and for intensive community-based intervention services for seriously chronic juvenile offenders. This bill transfers administration of the Community Intervention Program to the Office of Justice Assistance in DOA.

\*\*\* ANALYSIS FROM -0550/2 \*\*\*

✓ **COURTS AND PROCEDURE**

SET <sup>✓</sup> **CIRCUIT COURTS**

In all criminal proceedings, <sup>✓</sup> and in a limited number of civil proceedings, ~~such as those involving children in need of protective services~~ a circuit court must provide an interpreter for an indigent party or witness who has limited English proficiency. This bill requires the court, in all criminal and civil proceedings, to provide an interpreter for a party or witness who has limited English proficiency, regardless of indigence.

\*\*\* ANALYSIS FROM -1118/P1 \*\*\*

Insert ✓  
from  
P. 21

~~COURTS AND PROCEDURE~~~~CIRCUIT COURTS~~

Under current law, the clerk of circuit court must charge a justice information system surcharge from persons who must pay certain specified fees <sup>of \$9</sup> such as fees for the commencement of a civil action, for a third-party complaint, for an appeal from a municipal court or for review of an administrative decision, or for a garnishment, wage earner, small claims, or forfeiture action. Under current law, ~~the surcharge is~~ <sup>the surcharge</sup> ~~two-ninths of which is credited to a state program revenue appropriation~~ <sup>is used</sup> for the development and operation of automated justice information systems and ~~six-ninths of which is credited to a state program revenue appropriation~~ <sup>is used</sup> for the operation of circuit court automated information systems.

(w) This bill increases the surcharge to \$12, five-twelfths of which is ~~credited to the~~ <sup>used for</sup> state program revenue appropriation for the development and operation of automated justice information systems and one-half of which is ~~credited to the state~~ <sup>used</sup> program revenue appropriation for the operation of circuit court automated information systems. <sup>Not</sup> One-twelfth is deposited into the general fund and is not earmarked for any particular program.

\*\*\* ANALYSIS FROM -0539/P3 \*\*\*

~~STATE GOVERNMENT~~~~OTHER STATE GOVERNMENT~~

Under current law, if a court imposes a sentence or places a person on probation, the court must impose a crime victim and witness assistance surcharge. The surcharge is \$50 for each misdemeanor offense or count ~~(misdemeanor)~~ and \$70 for each felony offense or count ~~(felony)~~. Of the ~~money~~ <sup>surcharge</sup> \$30 for each misdemeanor and \$50 for each felony is used to reimburse counties for services to victims and witnesses of crimes. This bill increases the surcharge ~~amount~~ to \$60 for each misdemeanor and

<sup>surcharge</sup>  
\$85 for each felony. Of the ~~money~~ \$40 for each misdemeanor and \$65 for each felony is used to reimburse counties for the services to victims and witnesses of crimes.

\*\*\* ANALYSIS FROM -1059/P2 \*\*\*

Under current law, with some exceptions, if a court imposes a sentence, places a person on probation, or imposes a forfeiture for a violation of state law or a violation of a municipal or county ordinance, a court must impose a \$7 crime laboratories and drug law enforcement surcharge. This bill increases the surcharge to \$8.

\*\*\* ANALYSIS FROM -1417/P4 \*\*\*

*inserted from P. 22*  
*move to P. 15*  
This bill creates a \$20 child abuse prevention and child mental health surcharge and requires a court to impose the surcharge on each misdemeanor offense or count and on each felony offense or count when it imposes a sentence or places a person on probation. Of the surcharge \$6 <sup>is used by</sup> ~~will be transferred to~~ the Child Abuse and Neglect Prevention Board for ~~distribution as~~ grants to organizations, and \$14 <sup>is used by</sup> ~~will be transferred to~~ DHFS for grants to certain counties and ~~to~~ <sup>for</sup> tribal governing bodies ~~in the counties to promote~~ programs for alcohol and other drug abuse problems. If an inmate in a state prison or a person sentenced to a state prison has not paid the surcharge, DOC must assess ~~and collect~~ the amount owed from the inmate's wages or other moneys.

\*\*\* ANALYSIS FROM -0551/1 \*\*\*

This bill authorizes the director of state courts to require counties to record all financial transactions relating to the operation of circuit courts in a uniform chart of accounts and to audit annual reports of court costs that are submitted to the director of state courts under current law.

\*\*\* ANALYSIS FROM -1670/3 \*\*\*

~~COURTS AND PROCEDURE~~~~OTHER COURTS AND PROCEDURE~~

*appropriates money to*  
 This bill ~~requires~~ the Office of Justice Assistance *in DOA and directs the* to pay ~~moneys~~ *the amounts appropriated* to the Wisconsin Trust Account Foundation, Inc., to be ~~given~~ *awarded* as grants to programs that provide civil legal services to indigent persons. The Wisconsin Trust Account Foundation, Inc., was created by the Supreme Court to allocate the money received *interest on lawyers* from ~~attorney~~ trust accounts to programs that provide civil legal services to indigents. ~~Under the bill~~ the grants may be used only for assisting Wisconsin Works ~~WVW~~ participants with medical claims, developing discharge plans for mentally ill inmates, coordinating insurance benefits for medical assistance recipients, providing ancillary services to juvenile offenders, obtaining child support, and acting as a guardian ad litem in cases with the Bureau of Milwaukee Child Welfare.

\*\*\* ANALYSIS FROM -0546/1 \*\*\*

~~COURTS AND PROCEDURE~~~~OTHER COURTS AND PROCEDURE~~

*authorizes*  
 This bill ~~gives~~ DOJ ~~the authority~~ to bring an action for injunctive or other equitable relief against a person who interferes with the exercise or enjoyment by an individual of a right secured by the constitution or laws of this state or of the United States.

\*\*\* ANALYSIS FROM -1736/1 \*\*\*

*increases*  
 This bill ~~raises~~ the penalty surcharge, which ~~the~~ court imposes whenever ~~the~~ court imposes a fine or forfeiture for most violations of state laws or local ordinances, from 24 percent to 25 percent of the fine or forfeiture imposed. The bill also increases the ~~amount~~ *from* of the money collected ~~for~~ this surcharge that ~~goes to the law enforcement~~ *percentage*

move  
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~~training fund~~ and is used to train law enforcement, jail, and secure detention officers and for crime laboratory equipment <sup>from</sup> 48 percent to 49.5 percent.

\*\*\* ~~ANALYSIS FROM -1737/2~~ \*\*\*

~~COURTS AND PROCEDURE~~

~~DISTRICT ATTORNEYS~~ <sup>elects</sup>

Generally, under current law, a county ~~selects~~ <sup>elects</sup> its own district attorney, but the district attorney and deputy and assistant district attorneys are state employees. DOA provides administrative assistance to district attorney offices. This bill transfers the administrative assistance duties to DOJ.

Current law requires the district attorney of Milwaukee County and the district attorney of <sup>one</sup> ~~another~~ county, ~~as~~ selected by DOJ, each to assign one assistant district attorney to be a restorative justice coordinator ~~(Coordinator)~~. Each coordinator must establish a program to provide support to victims of crime, help reintegrate the victims into community life, and provide a forum to <sup>allow</sup> offenders to meet with the victims or engage in other activities to discuss the impact of their crimes, explore potential restorative responses by the offenders, and provide methods to reintegrate the offenders into community life. The coordinators must assist other district attorneys in establishing similar programs in other counties. The coordinators must keep data regarding the time spent, the number of victims and offenders served, the types of offenses, the program addresses, and the rate of recidivism. DOA must maintain the data that the coordinators gather.

These requirements expire on June 30, 2005. This bill repeals the statutes that create the requirements.

\*\*\* ANALYSIS FROM -1554/3 \*\*\*

**CRIMES**

Under current law, the ~~initial maximum~~<sup>9</sup> term of probation for a person convicted of a single misdemeanor is ~~two years~~<sup>six months to</sup>. ~~The minimum term of probation is six months.~~ Under this bill, if a person is convicted of a Class A misdemeanor (for which the maximum term of imprisonment is generally nine months), the initial maximum term of probation is one year. ~~The minimum term of probation in such a case remains six months.~~ If a person is convicted of any other type of misdemeanor, the initial maximum term of probation is six months, and there is no minimum term. Neither of these maximum terms of probation applies, however, if the person committed the misdemeanor while possessing a firearm or if the conviction is for an act of domestic abuse, for having nonconsensual sexual contact with another person, or for a misdemeanor under chapter 948 of the statutes (which covers certain crimes against children). In such a case, the initial maximum term of probation is two years.

**\*\*\* ANALYSIS FROM -1660/3 \*\*\***

<sup>This</sup>~~The~~ bill directs the Sentencing Commission to review sentences imposed on individuals who are convicted of nonviolent offenses, other than those relating to operating a vehicle while under the influence of an intoxicant<sup>SET</sup> or with a restricted controlled substance or a prohibited level of alcohol in his or her blood, and to develop recommendations for alternative dispositions for ~~those~~<sup>these</sup> individuals that may be used by courts at or before sentencing. ~~The Sentencing Commission must submit its recommendations in a report to the legislature by December 31, 2005.~~

**\*\*\* ANALYSIS FROM -0420/2 \*\*\***



## EDUCATION

### PRIMARY AND SECONDARY EDUCATION

Current law allows a school board to enter into a five-year renewable achievement guarantee (SAGE) contract with DPI to reduce class size and improve academic achievement in grades kindergarten to three in exchange for receiving \$2,000 for each low-income pupil enrolled in grades eligible for SAGE funding in the school district. The most recent set of SAGE contracts expires at the end of the 2005–06 school year.

This bill authorizes another set of SAGE contracts, starting in the 2006–07 school year, and increases the \$2,000 per pupil payment to \$2,250 in the 2005–06 fiscal year and \$2,500 <sup>in subsequent fiscal years</sup> ~~in the 2006–07 fiscal year~~ for these new contracts and for renewals of existing contracts.

#### \*\*\* ANALYSIS FROM -0425/4 \*\*\*

Beginning in the 2006–07 fiscal year, this bill authorizes DPI to award grants to school boards to implement four-year-old kindergarten programs. A school board is eligible for an initial grant of up to \$3,000 for each pupil enrolled in a four-year-old kindergarten program in the school district and a second grant of up to \$1,500 for each such pupil.

#### \*\*\* ANALYSIS FROM -1588/3 \*\*\*

This bill directs DPI to award grants of up to \$100,000 to no more than 20 school districts for the design, development, and implementation of a differentiated compensation program for teachers in the 2005–07 fiscal biennium. To be eligible for a grant, a program must base all or part of teacher salary increases on one or more of the following factors:

1. An increase in a teacher's knowledge about teaching or about the subjects he or she teaches or an improvement in a teacher's teaching skills.
2. The assumption by a teacher of additional responsibilities, including mentoring other teachers.
3. The assignment of a teacher to a grade level or subject area in which there are teacher shortages.
4. The assignment of a teacher to a school that is difficult to staff or that is low in pupil performance.

The bill directs DPI to establish a competitive process for awarding grants, to give preference in awarding grants to school districts in which the teachers, the community, and the businesses in the community support the grant, and to make reasonable efforts in awarding grants to reflect the diversity of school districts on various factors.

**\*\*\* ANALYSIS FROM -0607/2 \*\*\***

**\*\*\* ANALYSIS FROM -1592/1 \*\*\***

Current law limits the amount of revenue that a school district may obtain from general school aids, computer aid, and the property tax levy. If a school district's revenue in any school year is less than its revenue limit for that school year, the revenue limit otherwise applicable in the subsequent school year is increased by an amount equal to 75 percent of the difference between the revenue limit in the preceding school year and the school district's actual revenue for that school year.

This bill increases that subsequent revenue limit for such a school district to the entire difference between the revenue limit in the preceding school year and the actual revenue for that school year.

Under current law, a school district's revenue limit is based on a three-year rolling average of its enrollment. This bill sets a school district's revenue limit at the amount calculated using a three-year or five-year rolling average of its enrollment, whichever yields the higher amount.

**\*\*\* ANALYSIS FROM -0605/2 \*\*\***

Currently, a school district with per pupil revenue below \$7,800 in any school year is exempt from school district revenue limits. This bill raises the amount to \$8,100 in the 2005–06 school year and to \$8,400 in subsequent school years.

**\*\*\* ANALYSIS FROM -1566/2 \*\*\***

Current law requires a school board annually to publish a summary of its proposed budget before it holds a public hearing on the budget. This bill requires the summary to include, for the proposed budget, the current budget, and the budget in the previous fiscal year, the school district's general fund balance at the end of the fiscal year divided by the school district's general fund expenditures in that fiscal year, expressed as a percentage. The budget summary must also include, for the current and previous fiscal years, the statewide average school district general fund balance at the end of the fiscal year divided by the statewide average school district general fund expenditures in that fiscal year, expressed as a percentage.

The bill also provides that if a school board adopts a proposed budget in which the school district's general fund balance at the end of the fiscal year divided by the school district's general fund expenditures in that fiscal year will exceed an amount equal to 90 percent of the statewide average school district general fund ratio of balance to expenditures in the previous fiscal year, the school board must approve the excess by a separate vote.

**\*\*\* ANALYSIS FROM -0393/2 \*\*\***

Under current law, the state reimburses school boards and private schools <sup>STET</sup> 10 cents for each breakfast served under the School Breakfast Program. This bill raises the reimbursement rate to <sup>STET</sup> 15 cents. <sup>W</sup>

**\*\*\* ANALYSIS FROM -0396/3 \*\*\*****\*\*\* ANALYSIS FROM -0609/2 \*\*\***

This bill increases the reimbursement rates for school district pupil transportation and changes the funding source for school transportation aid from the general fund to the transportation fund.

**\*\*\* ANALYSIS FROM -0423/3 \*\*\***

Under current law, a school board, board of control of a cooperative educational service agency, county children with disabilities education board, or an independent charter school established by the University of Wisconsin-Milwaukee, the University of Wisconsin-Parkside, Milwaukee Area Technical College, or the city of Milwaukee is eligible to receive state aid for certain special education costs, such as salaries for special education personnel and transporting children with disabilities. Other costs, such as providing nursing care or assistive technology for children with disabilities, are not reimbursable under state or federal law. Beginning in the 2006-07 school year, this bill provides state aid for these costs equal to 90 percent of the amount by which these costs exceeded \$30,000 per child in the previous school year.

**\*\*\* ANALYSIS FROM -0395/2 \*\*\***

Current law authorizes the employment of teachers, school social workers, school psychologists, and coordinators of special education, who are licensed by DPI, for a special education program. The salaries of these employees are eligible for reimbursement <sup>state</sup> by the state through special education aid.

Beginning in the 2006–07 fiscal year, this bill allows the employment of licensed school counselors for special education programs and provides that the cost of their salaries is eligible for reimbursement through special education aid.

**\*\*\* ANALYSIS FROM –0400/3 \*\*\***

This bill directs DPI to award grants to persons who employ individuals licensed by DPI as initial educators in positions that require a DPI teaching license. The amount of the grant is equal to the amount that the employer is spending to provide a mentor for the initial educator, but not more than \$375 for each initial educator so employed. The employer must use the funds to provide a mentor for each initial educator.

**\*\*\* ANALYSIS FROM –0399/1 \*\*\***

Current law directs DPI to award a grant to any person who is certified by the National Board for Professional Teaching Standards, licensed by DPI as a teacher or employed as a teacher in a private school, and employed as a teacher in this state.

W9 This bill provides that a teacher who is licensed by DPI as a master educator is also eligible for the grant.

**\*\*\* ANALYSIS FROM –0370/1 \*\*\***

This bill creates a grant program, funded with Indian gaming revenue, under which a person may apply to DPI for a grant of up to \$30,000 to: (1) impart to pupils an appreciation ~~and understanding~~ of different value systems and cultures; (2) promote pupils' understanding of human relations, particularly with regard to American Indians; or (3) assist pupils, schools, and communities in appreciating racial and cultural diversity. The bill also appropriates Indian gaming revenue for the American Indian language and culture education program, which DPI administers.

**\*\*\* ANALYSIS FROM -1648/2 \*\*\***

This bill provides state aid to nonsectarian private or tribal schools in which at least 75 percent of the pupils enrolled are American Indian. The amount provided is \$200 for each pupil who completes the fall semester in the school's American Indian language and culture education program.

This bill requires DPI to award a grant to Beloit College to educate children and adults in southern Wisconsin about Native American cultures.

**\*\*\* ANALYSIS FROM -0342/3 \*\*\***

This bill directs DPI to award grants to school districts to partially reimburse them for the costs incurred in offering advanced placement courses in high schools that are not <sup>currently</sup> offering them. A grant may not exceed \$300 per pupil enrolled in advanced placement courses.

**\*\*\* ANALYSIS FROM -0343/3 \*\*\***

This bill directs DPI to award grants to cooperative educational service agencies and the Milwaukee Public Schools for the purpose of providing advanced curriculum and assessments for gifted and talented middle school pupils.

**\*\*\* ANALYSIS FROM -1534/3 \*\*\***

Current law directs DWD annually to allocate \$100,000 from federal Temporary Assistance for Needy Families (TANF) moneys to the Wausau school district for English training for three-, four-, and five-year-old Southeast Asian children. This bill shifts funding for this purpose to DPI and to general purpose revenue. The bill also eliminates the Head Start supplement from TANF funds.

**\*\*\* ANALYSIS FROM -1762/2 \*\*\***

This bill directs DPI to award grants to nonprofit organizations in the 2005–06 fiscal year to support programs that train community-based adult literacy staff and

to establish new volunteer-based programs in areas of the state that have a demonstrated need for adult literacy services. A grant may not exceed \$25,000.

\*\*\* ANALYSIS FROM -0401/1 \*\*\*

This bill authorizes DPI to assist in the establishment of, and to participate in, a consortium of state education agencies organized for the purpose of obtaining public and private funds to be used for the group purchase of an English language proficiency assessment system.

\*\*\* ANALYSIS FROM -1675/1 \*\*\*

EDUCATION

HIGHER EDUCATION

This bill limits the increase in resident undergraduate tuition at the UW System to a 5.4 percent increase in the 2005-06 academic year over tuition charged for the 2004-05 academic year and a 5.4 percent increase in the 2006-07 academic year over tuition charged for the 2005-06 academic year.

\*\*\* ANALYSIS FROM -1521/3 \*\*\*

Generally, current law allows a UW System student who has been a bona fide Wisconsin resident for the 12 months preceding the beginning of a semester or session for which the student registers to pay resident, as opposed to nonresident, tuition.

This bill allows an alien who is not a legal permanent resident of the United States to pay resident, as opposed to nonresident, tuition if: 1) he or she graduated from a Wisconsin high school or received a high school graduation equivalency from Wisconsin; 2) was continuously present in Wisconsin for at least three years following the first day of attending a Wisconsin high school; and 3) enrolls in a UW System institution and provides the institution with an affidavit stating that he or

she has filed or will file an application for permanent residency with U.S. Citizenship and Immigration Services as soon as ~~the~~ <sup>he or she</sup> person is eligible to do so.

109% The bill also provides that such persons are to be considered residents of this state for purposes of admission to and payment of fees at a technical college.

\*\*\* ANALYSIS FROM -0368/1 \*\*\*

Current law grants certain veterans an exemption from nonresident tuition at the UW System even if they were not Wisconsin residents at the time of entry or reentry into active duty. This bill <sup>grants the exemption to</sup> ~~provides that~~ only a <sup>veteran</sup> person who was a Wisconsin resident at the time of entry or reentry into active duty ~~may receive an exemption~~ from nonresident tuition.

\*\*\* ANALYSIS FROM -1840/1 \*\*\*

Current law authorizes the Board of Regents of the UW System to award nonresident tuition exemptions to different categories of students, but the number of remissions for each category is limited. This bill eliminates these limits.

\*\*\* ANALYSIS FROM -1606/1 \*\*\*

Currently DHFS and the Department of Commerce, in conjunction with the UW System's State Laboratory of Hygiene (lab), conduct federal Occupational Safety and Health Administration (OSHA) testing, pursuant to a contract with OSHA. This bill transfers the entire responsibility for this testing, along with incumbent employees and positions, to the lab.

\*\*\* ANALYSIS FROM -1839/1 \*\*\*

This bill requires the Board of Regents of the UW System to file a plan with DOA to eliminate 200 UW System administrative positions. If the plan is not submitted by May 30, 2006, and approved by DOA by June 30, 2006, then for the 2006-07 fiscal



year, the board loses the authority, under current law, to create or abolish faculty and academic staff positions from general program operations funding.

**\*\*\* ANALYSIS FROM -1676/1 \*\*\***

This bill requires the Board of Regents of the UW System to submit a report to the governor by January 1, 2007, that details by campus and system administration the position reductions made to meet the requirements of the 2005-07 biennial budget act.

**\*\*\* ANALYSIS FROM -1838/2 \*\*\***

This bill requires the Board of Regents of the UW System to submit to the secretary of administration by August 1, 2006, a report that describes by position classification and campus the faculty positions that were created from July 1, 2004, to July 1, 2006.

**\*\*\* ANALYSIS FROM -1866/1 \*\*\***

This bill directs the Board of Regents of the UW System to allocate certain amounts of money from the UW System general program operations appropriation for implementing the recommendations of the UW System Committee on Baccalaureate Expansion and for the UW-Rock County Engineering Initiative.

**\*\*\* ANALYSIS FROM -1520/1 \*\*\***

This bill requires DOA annually to lapse from three UW System appropriations the amount of money equal to the amount spent from a DOJ appropriation for legal advice regarding UW's public broadcasting.

**\*\*\* ANALYSIS FROM -1636/2 \*\*\***

Current law authorizes a technical college district board to charge an additional fee for a short-term, professional development, vocational-adult seminar or workshop offered to individuals who are employed in a related field. The

additional fee may not exceed an amount equal to the full cost of the seminar or workshop less the normal program fee.

*rwH* This bill eliminates this restriction on the amount of the additional fee but provides that the seminar or workshop may not consist of more than 24 hours of instruction.

\*\*\* ANALYSIS FROM -1486/1 \*\*\*

~~EDUCATION~~

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, DOA administers an Educational Telecommunications Access Program under which DOA provides *for* *the* *provision of* Internet access and two-way interactive video links to educational agencies. Under that program, an educational agency, subject to certain exceptions, may request access to either one data line for Internet access or one video link and is charged a monthly fee for that access. Any costs incurred by DOA that exceed that monthly fee are paid from the universal service fund, which is a separate trust fund that consists of contributions made by certain telecommunications providers and that is used to promote universal access to telecommunications services (universal service). In addition, DOA receives aid from a federal program that supports universal service, commonly referred to as the E-Rate Program, that DOA uses to pay administrative expenses and to reimburse the Building Commission for public debt incurred in providing educational technology infrastructure to school districts and public libraries.

This bill permits an educational agency that is eligible for a rate discount under the E-Rate Program, specifically an elementary school, a secondary school, or a

library to request data lines, video links, and bandwidth access in addition to what is provided under the Educational Telecommunications Access Program. The bill requires DOA to apply for aid under the E-Rate Program to cover the costs of <sup>the</sup> those additional data lines and video links and <sup>the</sup> that additional bandwidth access and, to the extent that the aid does not cover those costs, to require an educational agency to pay DOA a monthly fee that is sufficient to cover those costs.

\*\*\* ANALYSIS FROM -1510/2 \*\*\*

Under current law, the Educational Approval Board (EAB) inspects and approves private trade, correspondence, business, and technical schools <sup>STEI</sup> ~~EAB-approved schools~~ to protect the students, prevent fraud, and encourage accepted educational standards at those schools. Currently, the EAB is attached to DVA <sup>for administrative purposes</sup> ~~for administrative purposes~~. This bill <sup>transfers</sup> ~~attaches~~ the EAB to the Technical College System Board <sup>for administrative purposes</sup> ~~for administrative purposes~~.

Under current <sup>law</sup> ~~administrative rules~~, the EAB may seek a court order to take possession of an EAB-approved school's records if <sup>the</sup> it appears that those records are in danger of being destroyed, secreted, mislaid, or otherwise made unavailable. Current law, however, exempts from the oversight of the EAB tax-exempt schools that were incorporated in this state before January 1, 1992, or that had their headquarters and principal places of business in this state before 1970; <sup>the</sup> schools that are licensed or approved, and supervised, by other state agencies; <sup>the</sup> schools approved by DPI for the training of teachers; and schools accredited by accrediting agencies recognized by the EAB <sup>STEI</sup> ~~(schools not approved by the EAB)~~.

This bill permits the EAB to take possession of the student records of an EAB-approved school or a school not approved by the EAB ~~operating in this state~~ if

the school discontinues its operations, proposes to discontinue its operations, or is in imminent danger of discontinuing its operations as determined by the EAB and if the EAB determines that those records are in danger of being destroyed, secreted, mislaid, or otherwise made unavailable to the persons who are the subjects of those records. The bill also permits the EAB to seek a court order authorizing the EAB to take possession of the student records of an EAB-approved school or a school not approved by the EAB if necessary to protect those records from being destroyed, secreted, mislaid, or otherwise made unavailable to the persons who are the subjects of those records.

\*\*\* ANALYSIS FROM -1789/1 \*\*\*

Under current law, the Higher Educational Aids Board awards Wisconsin higher education grants (WHEG grants) to undergraduates enrolled at least half time at nonprofit public institutions of higher education or tribally controlled colleges in this state. Currently, a WHEG grant may not exceed \$2,500 for any academic year, ~~and~~ WHEG grants for UW System students are funded in part from moneys received by the UW System for auxiliary enterprises, such as dining halls and parking facilities. This bill increases <sup>the</sup> ~~that~~ maximum grant amount to \$3,000 for any academic year and eliminates <sup>the UW System's auxiliary enterprises as a</sup> ~~that~~ funding source for WHEG grants.

Under current law, the Arts Board <sup>must</sup> ~~is required to~~ provide grants to individuals or groups of exceptional talent engaged in the arts and <sup>may</sup> ~~is permitted to~~ contract with individuals, organizations, units of government, and institutions for services furthering the development of the arts and humanities. This bill requires the Arts Board to provide grants to American Indian individuals or groups of exceptional talent engaged in the arts and permits the Arts Board to contract with American

Indian individuals, organizations, institutions, and tribal governments for services furthering the development of the arts and humanities.

\*\*\* ANALYSIS FROM -1826/1 \*\*\*


Current law authorizes six unclassified division administrator positions for the State Historical Society of Wisconsin. This bill reduces that number to five.

\*\*\* ANALYSIS FROM -0352/4 \*\*\*

SET → EMPLOYMENT

Under current law, in local government employment other than law enforcement and fire fighting employment, if a dispute relating to the terms of a proposed collective bargaining agreement has not been settled after a reasonable period of negotiation and after mediation by the Wisconsin Employment Relations Commission (WERC), either party, or the parties jointly, may petition WERC to initiate compulsory, final, and binding arbitration with respect to any dispute relating to wages, hours, and conditions of employment. If WERC determines, after investigation, that an impasse exists and that arbitration is required, WERC must submit to the parties a list of seven arbitrators, from which the parties alternately strike names until one arbitrator is left. As one alternative to a single arbitrator, WERC may provide for an arbitration panel that consists of one person selected by each party and one person selected by WERC. As another alternative, WERC may provide a process that allows for a random selection of a single arbitrator from a list of seven names submitted by WERC. Under current law, an arbitrator or arbitration panel must adopt the final offer of one of the parties on all disputed issues, which is then incorporated into the collective bargaining agreement.

Under current law, however, this process does not apply to a dispute over economic issues involving a collective bargaining unit consisting of school district professional employees if WERC determines, subsequent to an investigation, that the employer has submitted a qualified economic offer (QEO). Under current law, a QEO consists of a proposal to maintain the percentage contribution by the employer to the employees' existing fringe benefit costs and the employees' existing fringe benefits and to provide for an annual average salary increase having a cost to the employer at least equal to 2.1 percent of the existing total compensation and fringe benefit costs for the employees in the collective bargaining unit plus any fringe benefit savings. Fringe benefit savings is that amount, if any, by which 1.7 percent of the total compensation and fringe benefit costs for all municipal employees in a collective bargaining unit for any 12-month period covered by a proposed collective bargaining agreement exceeds the increased cost required to maintain the percentage contribution by the municipal employer to the municipal employees' existing fringe benefit costs and to maintain all fringe benefits provided to the municipal employees.

 This bill eliminates the QEO exception from the compulsory, final, and binding arbitration process.

Under current law, school district professional employees are required to be placed in a collective bargaining unit that is separate from the units of other school district employees. This bill eliminates this requirement. Finally, the bill eliminates a 3.8 percent cap imposed on salary and fringe benefit annual cost increases for all nonrepresented professional school district employees.

*prevailing wage*  
\*\*\* ANALYSIS FROM -1700/1 \*\*\*

\*\*\* ANALYSIS FROM -1305/1 \*\*\*

Under <sup>the</sup> current law, certain laborers, workers, mechanics, and truck drivers employed on a state or local project of public works must be paid at the rate paid for a majority of the hours worked in the person's trade or occupation in the county in which the project is located ~~(prevailing wage law)~~. Current law requires each contractor, subcontractor, and agent performing work on a project that is subject to the prevailing wage law to keep records indicating the name and trade or occupation of every person performing work that is subject to the prevailing wage law and an accurate record of the number of hours worked by each of those persons and the actual wages paid for those hours worked. This bill requires a contractor, subcontractor, or agent performing work on a project that is subject to the prevailing wage law, other than a state highway project, to submit, <sup>on a weekly basis,</sup> a certified record of that information for the preceding week to the local governmental unit or state agency authorizing the work.

\*\*\* ANALYSIS FROM -1623/1 \*\*\*

Under current law, DWD collects an annual assessment from each worker's compensation insurer and self-insured employer doing business in this state and uses ~~those~~ <sup>the</sup> assessments to administer the worker's compensation program. This bill requires DWD to use a portion of ~~those~~ <sup>the</sup> assessments to conduct a study of injuries to health care workers caused by lifting; <sup>to</sup> develop and distribute ~~to health care facilities, providers, and workers~~ informational materials that promote a lift-free working environment for health care workers; and <sup>to</sup> distribute grants to health care facilities and providers to assist in implementing a lift-free working environment for health care workers.